

county shall make known to the Governor that such county is liable to forays of marauding or thieving bands, the Governor, for the arrest of such parties, is authorized to confer the powers hereinbefore described upon the Sheriffs of such counties, and the provisions of this act shall apply to parties who may serve for this purpose: *provided*, that the sheriff shall not call out assistance until the county is invaded by such marauders." Lost.

Senator Ellis offered the following amendment;

"Amend so that section seven shall read as follows: "Sec. 7. That the powers conferred upon sheriffs and constables by this bill shall in no case be exercised by such officers during any general election in the State." Adopted.

"That section seven be numbered section eight." Adopted.

On motion of Senator Russell, the Senate adjourned.

#### SEVENTY-SEVENTH DAY.

SENATE CHAMBER. }  
Austin, April 15, 1874. }

Senate met pursuant to adjournment. Roll called: quorum present.

Prayer by Rev. Dr. Young, of Sherman.

On motion of Senator Trolinger, the reading of the journal of yesterday was dispensed with.

Senator Westfall presented the petition of Jackson Hicks, "asking to be relieved of State and county tax on occupation of 'peddling.'" Read and referred to Committee on State Affairs.

Senator Stirman, chairman Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the proposition of Sylvester Watts "to light up the capitol and Governor's mansion with gas," having carefully considered the same, have instructed me to report it back to your honorable body with the suggestion that, owing to our financial condition, they deem it inexpedient to have this expense imposed on the State at present.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on State Affairs, to whom was referred Senate bill No. 382, "An Act for the relief of W. Q. Nagle," having considered the same, instruct me to report said bill back to your honorable body and recommend its passage with the accompanying amendment.

W. B. STIRMAN, Chairman.

Amend by striking out in third line of section one the words "five hundred" and inserting in lieu thereof "four hundred."

On motion of Senator Parker, Senator Moore was excused for the day.

Senator Ireland, chairman Judiciary Committee, submitted the following reports :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred House bill No. 363, "An Act to amend the first section of an act entitled 'an act to prevent judgments from becoming dormant, and to create and preserve judgment liens,'" ask leave to return the same and recommend that it do not pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred Senate bill No. 355, "An Act to supplement 'an act regulating proceedings in district courts,'" approved May 13, 1846, ask leave to return the same with the accompanying substitute, and recommend the passage of said substitute.

IRELAND, Chairman.

The title of the substitute referred to is "An Act supplemental to 'an act to regulate proceedings in the district courts,'" approved May 13, 1846.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary, to whom was referred House bill No. 266, "An Act supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" have had the said bill under consideration and are of the opinion that the Senate adhere to its amendments and that the House adopt the same.

IRELAND, Chairman.

Report from the Select Committee, to whom was referred the petitions of citizens of the parishes of Caddo and DeSoto, Louisiana, asking annexation to Texas :

COMMITTEE ROOM,  
Austin, Texas, April 14, 1874.

*Hon. R. B. Hubbard, President of the Senate :*

Your Joint Select Committee, to whom was referred the memorial of the citizens of Caddo and DeSoto parishes, in the State of Louisiana, expressing a desire to have all the territory embraced within these two parishes annexed to and brought under the jurisdiction of the State of Texas, have maturely considered the same and have unanimously arrived at the conclusion that the result of this measure, if carried into effect, would not only promote the best interest and future happiness of the people inhabiting this territory, but would also redound to the best interest and future prosperity of the people of our own State.

These parishes, which are contiguous to our eastern border, contain an area of over two thousand square miles of territory, equal in point of fertility to that of any other section on the continent, and notwithstanding the blighting influence of the war and other troubles of a domestic character, are now on the high road to prosperity and full development. They contain an intelligent and enterprising population of nearly fifty thousand inhabitants, who are closely allied, socially and commercially, to the people of our own eastern counties. This country has a front of one hundred and fifty miles on Red River, and if acquired would fix the boundary line of our State where nature intended it should rest.

The city of Shreveport, which is virtually a Texan town, and entirely identified with our interest, would be embraced in this caption. This city, which is at the present terminus of the Texas Pacific Railroad, is destined to become one of the greatest thoroughfares on the continent. It is at the head of low water navigation on Red River, and in the opinion of your committee would, if brought wholly under the influence of our State, spring into magnificent proportions; it is now the entrepot and gateway to much of our most valuable commerce. Steamers are continually plying between this port and New Orleans, St. Louis, Louisville and Cincinnati, bringing the rich products of

the South, East and North-west to our own doors, and taking in exchange our cotton, wool, hides and cattle.

We find that this city makes near an annual shipment of one hundred thousand bales of cotton, and that her export trade approximates the value of twelve millions of dollars. That as said city derives its principal support from our influence and trade, we believe that it would be proper for it to be brought under the jurisdiction of our laws. And that her increased trade, wealth and importance, which would naturally result from her becoming a Texan city, would greatly redound to the benefit of New Orleans and the rest of the State of Louisiana, particularly by the increased commerce of Red River.

In fine, your committee are convinced that the acquisition of this territory would not only be of great advantage to those who will be immediately effected, but to our whole people. That it would give us a boundary much to be desired, and a river outlet to our North-eastern and Western trade of which we are now so greatly in need.

Your committee would therefore recommend and urge the passage of the accompanying joint resolution, which provides for the immediate cession of this territory as soon as the consent of the Legislature of our sister State of Louisiana, and of the Congress of the United States shall have been obtained.

All of which is respectfully submitted.

J. E. DILLARD, Chairman.

The title of the joint resolution referred to, is: "Joint Resolution to annex the parishes of Caddo and De Soto, in the State of Louisiana, to Texas." Read first time.

Senator Stirman introduced a bill, entitled "An Act to incorporate the Menard County Irrigating Company." Read first time, and referred to Committee on Agriculture.

A message was received from the House, announcing the passage of Senate bill No. 110, "An Act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof;" also, Senate bill No. 52, "An Act to confer jurisdiction of certain civil causes in the courts in the several counties in this State;" also, Senate bill No. 8, "An Act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and fix the time for holding the courts therein," with amendments by the House.

Senator Westfall, for Committee on Enrolled Bills, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully compared Senate bill No. 328, "An Act to amend an act, amendatory of an act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' " approved August 10, 1870; approved April 17, 1871; approved June 4, 1873, and find the same correctly enrolled, and have this fourteenth day of April, 1874, at 3:45 o'clock P. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

COMMITTEE ROOM, )  
April 15, 1874. )

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully compared Senate bill No. 164, "An Act to amend section eighteen of an act, entitled 'an act concerning proceedings in the district court,' " passed sixteenth day of March, 1848, and took effect August 1, 1848, and find the same correctly enrolled, and have this fifteenth day of April, 1874, at 9:20 o'clock A. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following Senate bills, to-wit:

Senate bill No. 205, "An Act to attach the county of Waller to the Thirteenth Senatorial District;" Senate bill No. 352, "An Act to change the times of holding the district courts in the Thirty-first Judicial District;" also Senate joint resolution No. 363, "Joint resolution authorizing the Governor to employ counsel to prosecute any persons, and to make an appropriation to defray the expense in said prosecution," and Senate joint resolution No. 194, "Joint Resolution authorizing the Adjutant General of this State to make application to the Commanding General of the United States Army, for additional troops for the protection of the frontier of Texas," and find the same cor-

rectly enrolled, and have this fourteenth day of April, 1874, at 12:30 o'clock P. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

COMMITTEE ROOM,  
Austin, Texas.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled the following Senate bills, to-wit:

Senate bill No. 377, "An Act to authorize the judge of the Twenty-fourth judicial district to hold a special term of court in the county of Kinney."

Substitute Senate bill No. 320, "An Act to provide for the supplying of lost records in the several counties in this State," and Senate bill No. 299, "An Act to require the several sheriffs of this State to execute additional bonds in certain cases," and have this fourteenth day of April, 1874, at ten o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Report from the Committee on Penitentiary:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Penitentiary, to whom was referred Senate bill No. 386, "An Act to provide for the creation of two penitentiaries, and to provide for the labor of convicts in mining," have had said bill under consideration, and I am instructed to report the same back and recommend its passage; and that one hundred and fifty copies be printed for the use of the Senate.

A. J. BALL, Chairman.

On motion of Senator Ball, one hundred and fifty copies of the bill was ordered printed.

Report from Select Committee:

*Hon. R. B. Hubbard, President of the Senate:*

Your Select Committee, to whom was referred House bill No. 252, "An Act granting pensions to the surviving veterans, who separated Texas from Mexico," have considered the same, and instruct me to report it back, without amendments, and recommend its passage.

G. B. ERATH, Chairman.

Senator Ellis presented a petition of citizens of Lavaca county, asking the passage of a law similar to the one known as the "Ohio Liquor Law." Read, and referred to Committee on State Affairs.

The unfinished business being the consideration of Senate bill No. 306, "An Act better defining the powers and duties of sheriffs," with various amendments thereto pending which, the Senate adjourned on yesterday, it was taken up.

On motion of Senator Ellis, the Senate reconsidered the vote by which the Senate refused to adopt the amendment offered by Senator Russell on yesterday.

The amendment was then adopted.

Senator Wood offered the following amendment:

"In section two, line five, strike out the words 'or is about to be.'" Lost.

Senator Trolinger offered the following amendment:

"Amend section two, line eight, by striking out the word 'twenty' and inserting 'ten' in lieu thereof." Lost.

Senator Bradley offered the following amendment:

"Amend section two by adding at the end of said section the words '*provided*, that the limit of twenty men above specified, shall apply only to any force recommended by the sheriff, or other officer, for service beyond the limits of the county where the offense was committed.'" Adopted.

The question then recurring on the engrossment of the bill, the Senate ordered it engrossed by the following vote:

YEAS—Senators Allison, Baker, Bradley, Burton, Camp, Dwyer, Ellis, Erath, Friend, Ireland, Joseph, Ledbetter, Russell and Shepard—13.

NAYS—Senators Bradshaw, Culberson, Davenport, Dillard, Hobby, Morris, Parker, Stirman, Trolinger, Westfall and Wood—11.

Senator Russell moved that the rules be suspended to put the bill on its third reading. Lost.

The following House bills were taken from the President's desk, and referred to the following committees:

House bill No. 284, "An Act to regulate the order of business in the district courts," was read first time, and referred to Judiciary Committee.

House bill No. 251, "An Act supplementary to 'an act to organize the courts of justice of the peace and county courts, and to define their jurisdiction,'" approved Au-

gust 13, 1870, was read first time, and referred to Judiciary Committee.

House bill No. 341, "An Act to provide for the assessment of town and city charters," was read first time, and referred to Judiciary Committee.

House bill No. 432, "An Act validating the authentication and registration of certain instruments of writing," was read first time, and referred to Judiciary Committee.

House bill No. 249, "An Act to amend section twenty-two of an act entitled 'an act to amend 'an act prescribing the mode of proceeding in district courts, in matters of Probate,'" approved August 15, 1870; approved May 27, 1873, was read first time, and referred to Judiciary Committee.

House bill No. 364, "An Act supplemental to an act, entitled 'an act to provide for and regulate mechanics, contractors, builders and other liens in the State of Texas,'" approved November 17, 1871, was read first time, and referred to Judiciary Committee.

House bill No. 331, "An Act to repeal article thirty-one of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,'" approved August 13, 1870, was read first time, and referred to Judiciary Committee.

House bill No. 301, "An Act to amend 'an act amendatory of article two hundred and sixty-three of the code of criminal procedure,'" passed April 21, 1871, was read first time, and referred to Judiciary Committee.

House bill No. 216, "An Act to authorize justices of the peace to take cognizance of certain cases therein named, relative to minors," was read first time, and referred to Judiciary Committee.

House bill No. 246, "An Act, supplemental to 'an act to incorporate the Western Narrow Gauge Railway Company,'" approved August 4, 1870, and 'an act supplemental thereto,' approved October 13, 1871; and 'an act supplemental thereto,' approved May 2, 1873, was read first time, and referred to Committee on Internal Improvements.

House bill No. 299, "An Act prescribing the time of holding the district courts in the Thirty-fourth Judicial District," was read first time, and referred to Judiciary Committee.

House bill No. 325, "An Act requiring county Treasurers to make out post monthly statements, and to punish them



for failing or refusing to do so," was read first time, and referred to the Finance Committee.

House bill No. 250, "An Act to protect the enclosed lands of any person from trespass, by shooting, hunting, fishing or fowling," was read first time, and referred to Committee on State Affairs.

On motion of Senator Allison, the rules were suspended and House bill No. 482, "An Act to amend the fourth section of an act entitled 'an act to establish, organize and define the powers of the criminal district court of the cities of Dallas, McKinney and Sherman,'" passed June 4, 1873, was taken up, read second time, and passed to third reading.

On motion of Senator Allison, the rules were further suspended, bill read third time, and passed.

A message were received from the House, announcing the passage of the following House bills:

House bill No. 107, "An Act to regulate proceedings on statutory bonds;" House bill No. 131, "An Act to authorize the Liberty Fire Company No. 2, of the city of Houston, to raise, provide for and administer a charity fund;" House bill No. 440, "An Act to amend 'an act prescribing the times of holding the district courts in the several Judicial Districts of the State,'" approved August 10, 1870; House bill No. 435, "An Act to amend 'an act, to provide for districting the State of Texas into Judicial Districts,'" approved July 8, 1870; also, Senate bill No. 78, "An Act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland, and to make valid the surveys and locations made therein," with amendments by the House.

On motion of Senator Westfall, the rules were suspended and House bill No. 182, "An Act to dedicate to the use of Travis county certain lands in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same," was taken up, and read second time.

Senator Ireland offered the following amendment:

"Amend the caption by striking out the word 'dedicate' and insert the word 'lease.'" Adopted.

Senator Ireland offered the following amendment:

"Add to end of section one the words '*provided*, Travis county shall be liable to suit, and all police laws and regulations so far as paving sidewalks and otherwise, so far as this property is concerned, in the same manner as citizens of the city of Austin are.'" Adopted.

Senator Ellis moved to amend by striking out sections two and three.

Senator Westfall moved a division of the question, so as to vote on each section separately. Carried.

The Senate then refused to strike out the second section.

The third section was stricken out.

The Senate then refused to pass the bill to a third reading by the following vote:

YEAS—Senators Ball, Baker, Bradshaw, Friend, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—11.

NAYS—Senators Allison, Bradley, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Hobby, Morris, Parker, Stirman, Trolinger and Wood—16.

The special order being the consideration of House bill No. 41, "An Act to allow incorporated cities and towns to prevent erection of wooden buildings in any part of said cities and towns," it was taken up.

On motion of Senator Culberson the bill was postponed till to-morrow at ten o'clock A. M., made special order for that day and hour, and to continue as said special order until disposed of.

On motion of Senator Ball, the rules were suspended, and Senate joint resolution No. 391, "to annex the Parishes of Caddo and De Soto, in the State of Louisiana, to the State of Texas," was taken up.

On motion of Senator Ireland, the bill was postponed until Monday next, at eleven o'clock A. M., made special order for that day and hour, and to continue as said special order until disposed of.

Senate bill No. 48, "An Act to fortify land titles," was taken up, read second time, and the amendments proposed by the committee reporting thereon, were adopted and bill ordered engrossed.

On motion of Senator Allison, the rules were suspended, bill read third time and passed.

On motion of Senator Wood, the rules were suspended, and House bill No. 388, "An Act concerning private corporations," was taken up and read second time.

The amendments proposed by the committee to said bill, were adopted.

Senator Wood offered the following as a substitute for section ten:

“Amend section ten of House bill No. 388, by substituting the following for said section: ‘Sec. 10. The existence of the corporation shall date from the filing of the charter in the office of the Secretary of State, and the certificate of the Secretary of State shall be evidence of such filing. Any corporation organized under the provisions of this act, or entitled to organize under the provisions of this act, or any private corporation or company incorporated by special act of the Legislature, which said company or corporation would have been authorized to incorporate itself under the provisions of this act, any such company, association or corporation may amend or change their articles of incorporation or their act of incorporation, in the same manner that this act requires for the original organization of a body corporate, to-wit: by filing, authenticated, as by this act required, the amendments or changes to the original charter with the Secretary of State; and in case of a corporation created by special act of the Legislature, said corporation shall cause the changes or amendments proposed to their charter to be authenticated, as required by this act, and filed with the Secretary of State, together with their original charter, or such amendments as have been made by special act, which shall be recorded by the Secretary of State, followed by the proposed changes or amendments to same. Such changes or amendments shall take effect and be in force from the date of filing with the Secretary of State. No amendments or changes violative of the Constitution or laws of this State, or of this act, shall be of any force or effect, and no changes or amendments shall be of any force and effect which are not germane to the original objects and purposes of the original articles or charter of incorporation, and calculated to carry out and effect the same. All charters or amendments to charters under the provisions of this act shall be subject to the power of the Legislature to alter, reform or amend the same.’”

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

On motion of Senator Parker, the rules were suspended and Senate bill No. 271, “An Act to amend Article 2732, of Paschal’s Digest; Article 264 of Code of Criminal Procedure,” was taken up and referred to Judiciary Committee.

On motion of Senator Dwyer, the rules were suspended, and House bill No. 233, “An Act to enable clerks of the

district court in certain counties to qualify as justices of the peace, was taken up, read second time and passed to third reading.

On motion of Senator Dwyer, the rules were further suspended, bill read third time and passed.

On motion of Senator Culberson, the rules were suspended and Senate bill No. 8, "An Act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and fixing the time for holding the courts therein," together with House amendments thereto, was taken up.

On motion of Senator Morris, the House amendments were concurred in.

On motion of Senator Stirman, the rules were suspended and House bill No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," etc., was taken up.

On motion of Senator Ellis, the bill was postponed until 11 o'clock A. M. to-morrow, made special order for that day and hour, and to continue as said special order until disposed of.

Senator Baker, chairman of Finance Committee, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your committee, to whom was referred, with instructions, the substitute bill of the Senate, entitled "An Act to regulate the assessment and collection of taxes, and to provide penalties for the enforcement of the same," have had it under consideration and have drawn up a substitute for the one submitted to them, in which the changes indicated by the Senate have been made, together with other changes deemed necessary, and I am instructed to report the same and recommend its passage.

W. R. BAKER, Chairman.

On motion of Senator Baker, the rules were suspended, the substitute read by caption and made special order for Friday, seventeenth instant, 10 A. M., and from day to day until disposed of.

On motion of Senator Culberson, the Senate adjourned.